IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 23349 of 2002

Between:

S. Seethambaram s/o Venkanna
APEPDC Ltd., Editha, R/o Editha, Mandapeta Mandal
East Godavari District

..... PETITIONER

AND

1 The Divisional Electrical Engineer (Operations), A.P Eastern Power Distribution Company Ltd., Ramachandrapuram,
East Godavari District, Andhra Pradesh
2 The Superintendent Engineer (Operations) A.P. Eastern Power Distribution Company
Ltd, Rajahmundry, East Godavari District
Andhra Pradesh

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not sanctioning the leave to the petitioner herein for the period from 10-9-2001 to 6-2-2002 on medical grounds according to his eligibility and admissibility and also in not treating the period from 7-2-2002 to 18-7-2002 as compulsory wait and also in not paying the salary for the above said periods to the petitioner as illegal, arbitrary, unjust and violative of Articles 14,16 and 21 of the Constitution of India and consequently direct the respondents to grant leave from 10.09.2001 to 06.02.2002 as Medical Leave and to treat the period from 7-2-2002 to 18-7-2002 as compulsory wait by regularising the period from 10-9-2001 to 18-7-2002 by paying salary for the above said period to the petitioner forthwith by fixing his pay scales properly.

Counsel for the Petitioner:MR.S.I.NEWTON

Counsel for the Respondents: MR.M.SUBBA RAO

The Court made the following :

O R D E R:

The petitioner is presently working as Lineman in the A.P.Eastern Power Distribution Company Ltd., Ramachandrapuram, East Godavari District. He was issued transfer order from Sub Station, Alamuru to Editha during general transfers by the then A.P.TRANSCO and on 31.07.2001 he was relieved from the old station and on 01.08.2001 he joined at Editha. Thereafter, the petitioner proceeded on leave from 10.09.2001 and submitted leave applications on 10.09.2001, 02.10.2001, 01.11.2001 and 31.12.2001, without submitting a consolidated leave application along with Medical Fitness Certificate. On 07.02.2002 and 22.05.202 the petitioner submitted representations before the respondent authorities seeking transfer to Ramachandrapuram Town. On 14.10.2002 the petitioner submitted a conditional leave letter to the Assistant Engineer, Electrical Operation, Mandapet and the same was forwarded to the Assistant Divisional Engineer, Mandapet and it was later forwarded to the Divisional Engineer (Operation), Ramachandrapuram for taking necessary action. In the conditional leave applied by the petitioner, he did not point out any conditions, but sought to treat the total period of leave from 10.09.2001 to 18.07.2002 as Medical Leave commuted to full pay. As against the request of the petitioner, it was held by the respondent authorities that the petitioner is not entitled for the Compulsory Wait for the period from 07.02.2002 to 18.07.2002, but he is entitled for the total leave period from 10.09.2001 to 18.07.2002 commuted to full pay. Having regard to the facts and circumstances and in view of the admission made by the respondents in their counter that the petitioner is entitled for total period of leave from 10.09.2001 to 18.07.2002 commuted to full pay, the writ petition is disposed of directing the respondents to grant leave to the petitioner from 10.09.2001 to 18.07.2002, commuted to full pay with all consequential benefits and as the petitioner has already retired from service in the month of August 2004, the

said service may be regularized by granting leave with all consequential benefits.

No costs.

29.09.2004

C.C.in one week

B/o

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Divisional Electrical Engineer (Operations), A.P Eastern Power Distribution Company Ltd., Ramachandrapuram,
East Godavari District, Andhra Pradesh
2 The Superintendent Engineer (Operations) A.P. Eastern Power Distribution Company
Ltd, Rajahmundry, East Godavari District
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